

REMARKS

The 12/01/2004 office action objected to the specification based on informalities. The foregoing amendment addresses the objection to the reference to "control processor 20". The specification has been reviewed for typos and grammatical errors, and the foregoing amendment addresses those that were found.

The 12/01/2004 office action objected to claims 2-7, 9-11, and 13-17 based on certain informalities. The foregoing amendment addresses the specified informalities.

The 12/01/2004 office action rejected claims 1, 2, 4-8, 12, 14, 15, and 17, including all independent claims, i.e., claims 1, 8, and 12, under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5664046 to Abecassis. For the following reasons, is respectfully submitted that Abecassis does not anticipate these claims.

It is axiomatic that anticipation requires the presence in a single prior art reference of all of the elements of a claim, arranged as claimed. Although the office action does allege that Abecassis contains each and every limitation of the independent claims, the statement of the grounds for rejection does not state that the particular elements claimed are found in Abecassis. Rather, the office action specifies that Abecassis discloses matter other than the particular elements claimed. Accordingly, the rejection is defective on its face.

For instance, claim 1 requires, in a method of providing alternative information for a video program, the steps of

receiving a video signal including at least one rating code representing a program classification for a segment of the video signal and at least one alt-location code;
comparing the rating code with a predetermined program code;
determining whether an alternative segment is available based upon the alt-location code; and
substituting the alternative segment for the segment of the video program in dependence on a result of the comparison and a result of the determination.

The office action does not allege that Abecassis contains the first element; rather, it states that Abecassis "discloses the use of a video image/program which contains variable program ratings and frame identifiers, or i.e., alt-location codes" (citations omitted). Abecassis discloses a system having stored video program data including alternative video segments for portions of the program, which may be used to generate variable content versions of the program. A segment map associates each segment with descriptive data relating to the segment, such as its level of profanity, violence, and nudity. Upon receiving a request to generate a version of a program corresponding to particular viewer preference data, the system reads the segment map and applies to it the viewer preference data in order to select segments consistent with the viewer preference data. Once the segments to be played and their sequence are determined, the segments are retrieved from memory and transmitted as a seamless, continuous video program. See Abecassis abstract; column 1 lines 9-15; column 22 line 62 - column 23 line 14; and Fig. 8C.

This process does not include receiving a video signal including at least one rating code representing a program classification for a segment of the video signal and at least one alt-location code, as specified in the first step of claim 1. The video transmitted in Abecassis is seamless video program data, and apparently does not include the descriptive data and data identifying alternative segments, which data were already used to retrieve selected segments from memory and assemble them into the transmitted seamless video program data. Lacking rating code data in the received video signal, Abecassis does not perform the claimed step of "comparing the rating code [of the received video signal] with a predetermined program code". Lacking alt-location code data in the received video signal, Abecassis does not perform the claimed step of "determining whether an alternative segment is available based upon the alt-location code" [of the received video signal]. Accordingly, Abecassis does not perform the claimed step of "substituting the alternative segment for the segment of the [received] video program in dependence on a result of the comparison and a

result of the determination", because the Abecassis received video signal is a seamless signal on which no substitution is performed. The analysis of Abecassis in the office action ignores that the claims are directed to processing of received video signals, whereas Abecassis is directed to operating on stored data to select and determining a sequence for a set of video segments, prior to generating a video signal.

The office action rejected independent claims 8 and 12 for the same reasons as claim 1. For the above reasons, they are also not anticipated by Abecassis. Because the elements in the independent claims are not disclosed by Abecassis, the dependent claims stating further limitations of those elements are not anticipated by Abecassis.

The office action rejected claims 3 and 13, which specify that the alt-location code of the received video signal identifies a source for an alternative segment, under 35 U.S.C. § 103(a) as unpatentable over Abecassis in view of U.S. Patent No. 4930160 to Vogel. As noted above, Abecassis does not include an alt-location signal in the received video signal; neither does Vogel. Vogel discloses a receiver having a pair of video inputs, each of which may be connected by a relay to display apparatus in accordance with content-related information in a received signal. When the alternate input is selected by the relay, whatever content is provided to the alternate input, if any, is displayed. There is nothing in the received signal that identifies alternate content or the alternate input as a location for obtaining content. Accordingly, the rejection of claims 3 and 13 is traversed.

It is respectfully submitted that the foregoing amendments place the application in condition for allowance. Reconsideration and further examination is requested, and a notice of allowance is earnestly solicited.

Respectfully submitted,



Steven R. Petersen, Reg. No. 31,287
Attorney
(914) 333-9640